

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking on the  
Commission's own motion for the purpose of  
considering policies and rules governing utility  
construction contracting processes.

Rulemaking 03-09-006  
(Filed September 4, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING MOTION TO INTERVENE AND  
NOTICE OF INTENT TO CLAIM COMPENSATION**

**1. Summary**

This ruling grants a motion to intervene and a notice of intent (NOI) to claim compensation filed in this docket by Greenlining Institute (Greenlining). Pursuant to Public Utilities Code, Article 5, Section 1804, Greenlining must ultimately demonstrate that its participation resulted in a substantial contribution to the proceeding by the unique presentation of facts or arguments that were relied upon by the California Public Utilities Commission (Commission) in resolving this proceeding.

**2. Greenlining's Motion to Intervene**

Greenlining filed a motion on January 6, 2004 that seeks permission to intervene in this proceeding on behalf of its constituency groups, which represent members of the Latino, Asian-American, African-American and low-income communities. It states that the issues in this proceeding regarding utility construction contracting processes affect its members, especially minority and

women-owned businesses. Greenlining states it will bring a perspective to the proceeding that the Commission would not otherwise have.

We encourage participation in our proceedings by all groups and welcome Greenlining's contributions to this rulemaking. Accordingly, we grant Greenlining's motion to intervene.

### **3. The Statutory Requirements for NOIs to Claim Compensation**

Greenlining filed an NOI to claim compensation in this proceeding on January 6, 2004.<sup>1</sup> Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Pursuant to Decision (D.) 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in § 1802(b), and identify whether the intervenor is a participant representing consumers, or a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers. If the customer category identified is "a representative authorized by a customer," the NOI should identify "the residential customer or customers that authorized him to represent that customer." That identification is needed because this category of customer "connotes a more formal arrangement where a customer, or a group of customers, selects a presumably more skilled person to represent the customers' views in a proceeding." (D.98-04-059, pp. 28-30.) Participation in Commission proceedings by parties representing the full range of affected interests is important. Such participation assists the Commission in ensuring that the record

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<sup>1</sup> Greenlining's NOI is timely because, consistent with § 1804(a)(1), it filed the pleading within 30 days of the prehearing conference in this proceeding, which the Commission held on December 7, 2003.

is fully developed and that each customer group receives adequate representation.

Once the applicable definition of customer is identified, the correct standard of “significant financial hardship” can be applied. Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation. Section 1804(a)(2)(B) allows the customer to include a showing of significant financial hardship in the NOI. Alternatively, the required showing may be made in the request for award of compensation. Section 1802(g) defines “significant financial hardship.”

“Significant financial hardship” means either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

#### **4. Greenlining’s NOI**

Greenlining is a nonprofit organization authorized by its bylaws to represent the “interests of low income communities, minorities and residential ratepayers” before regulatory agencies and courts. Accordingly, Greenlining is a “participant representing consumers, customers, or subscribers” of jurisdictional utilities, consistent with § 1802(b).

Section 1804(a)(2)(A)(i) requires NOIs to include a statement of the nature and extent of the customer’s planned participation in the proceeding to the extent this can be predicted. Greenlining states it expects to be an active party in this proceeding and will provide the Commission with information on the impact of various policies and proposals on its constituency groups, including minority and women-owned businesses and low-income, minority and underserved

utility customers. It states it plans to review current policy and proposed policy changes, and to present evidence regarding how policy should be changed.

Section 1804(a)(2)(A)(ii) requires that NOIs include an itemized estimate of the compensation the customer expects to receive. Greenlining estimates a total projected budget of \$130,500 for this case, based on proposed hourly rates for its attorneys and experts.

Greenlining represents low-income customers and small businesses, many of which are owned by minorities. It refers to the Commission's recent finding of financial hardship in a ruling dated April 9, 2003 in Application 02-11-017.

**IT IS RULED** that Greenlining Institute (Greenlining) is a customer as that term is defined in Pub. Util. Code § 1802(b). Greenlining has otherwise met the eligibility requirements of § 1802.

Dated February 24, 2004, at San Francisco, California.

/s/ KIM MALCOLM  
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Kim Malcolm  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to Intervene and Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated February 24, 2004, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.